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WATER RESOURCES
WESTERN REGION

Attorneys for Protestants

Ballentyne Ditch Company, Canyon County Water Company,
Eureka Water Company, Farmers' Co-operative Ditch Company,
Middleton Mill Ditch Company, Middleton Irrigation Association, Inc.,
Nampa & Meridian Irrigation District, New Dry Creek Ditch Company,
Pioneer Ditch Company, Settlers Irrigation District, South Boise Water
Company, and Thurman Mill Ditch Company

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 63-34652 IN THE NAME
OF CAT CREEK ENERGY, LLC

NOTICE OF PROTEST

COMES NOW, Ballentyne Ditch Company, Canyon County Water Company, Eureka
Water Company, Farmers' Co-operative Ditch Company, Middleton Mill Ditch Company,
Middleton Irrigation Association, Inc., Nampa & Meridian Irrigation District, New Dry Creek
Ditch Company, Pioneer Ditch Company, Settlers Irrigation District, South Boise Water
Company, and Thurman Mill Ditch Company (collectively, the "Protestants"), by and through
their attorneys of record Sawtooth Law Offices, PLLC,¹ hereby file this Notice of Protest to
Application for Permit No. 63-34652 ("Application"), filed in the name of Cat Creek Energy,
LLC.

¹ Protestants advise, for purposes of service of documents in this matter, that multiple sets are not required, and request that a single set of service documents be provided to Sawtooth Law Offices.

The bases for the Protest are:

1. The Application will cause injury to existing water rights, specifically those of the Protestants.
2. The Application is contrary to, or may conflict with Idaho Code Section 42-203A(5), subsections (a) through (f).
3. For such other and further reasons as may be set forth at the hearing on this matter.

RELIEF REQUESTED

The Protestants respectfully request that for the above listed reasons, proposed Application for Permit No. 63-34652 be denied in all respects. In the alternative, the Protestants respectfully request that any approval of Application for Permit No. 63-34652 be conditioned upon complete protection of the Protestants' existing water rights.

DATED this 24th day of June, 2019.

SAWTOOTH LAW OFFICES, PLLC

By 

S. Bryce Farris
Attorneys for Protestants Ballentyne Ditch Company,
Canyon County Water Company, Eureka Water
Company, Farmers' Co-operative Ditch Company,
Middleton Mill Ditch Company, Middleton Irrigation
Association, Inc., Nampa & Meridian Irrigation
District, New Dry Creek Ditch Company, Pioneer
Ditch Company, Settlers Irrigation District, South
Boise Water Company, and Thurman Mill Ditch
Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of June, 2019, I caused a true and correct copy of the foregoing **NOTICE OF PROTEST** to be served by the method indicated below, and addressed to the following:

Cat Creek Energy, LLC
398 9th Street, Suite 240
Boise, ID 83702
T (406) 459-3013

☒ (X) U.S. Mail, Postage Prepaid
☐ () Hand Delivered
☐ () Overnight Mail
☐ () Facsimile
☐ () Email

Idaho Water Engineering
Attn: David R. Tuthill Jr.
2918 N. El Rancho Place
Boise, ID 83704
T (208) 378-15130

☒ (X) U.S. Mail, Postage Prepaid
☐ () Hand Delivered
☐ () Overnight Mail
☐ () Facsimile
☐ () Email



S. Bryce Farris